

4600. Misbranding of "Ascatco." U. S. v. 4 Dozen \* \* \* and 1½ Dozen \* \* \* Bottles of "Ascatco." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6920. I. S. No. 2327-I. S. No. E-415.)

On October 13, 1915, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 dozen small and 1½ dozen large sized bottles of a preparation known as "Ascatco," remaining unsold in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped about July 6, 1915, and transported from the State of New York into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended. The retail packages were labeled: (On wrapper) "Gnu" (picture of gnu) "Trade Mark Ascatco Proportion alcohol 13%. Each fluid ounce contains 1 96/100 grains opium. Prepared by The Ascatco Laboratory, 32 West 25th Street, New York. The treatment for asthma, catarrh, bronchitis, hay fever, rose fever and other diseases of the respiratory organs." (On bottle) "Gnu" (picture of gnu) "Ascatco. Proportion alcohol 13%. Each fluid ounce contains 1 96/100 grains opium. Prepared by the Ascatco Laboratory, 32 West 25th Street, New York. The treatment for asthma, hay fever, catarrh and bronchitis. Adult dose 7 drops in water." The retail packages, bottle labels, wrappers and circulars contained, among other things, the following: (Bottle label) "The treatment for asthma, hay fever, catarrh and bronchitis." (On wrapper) "The treatment for asthma, catarrh, bronchitis, hay fever, rose fever and other diseases of the respiratory organs." (In circular) "Ascatco the new treatment for asthma, catarrh, bronchitis and hay fever \* \* \* This treatment for asthma, catarrh, bronchitis and hay fever \* \* \* Ascatco has won its present measure of success through merit alone \* \* \* Its peculiar adaptability to successfully attack and combat the systemic conditions consequent upon asthma and other respiratory troubles \* \* \* Ascatco may be taken in confidence that it is an effective remedy for the particular diseases here described. Ascatco may be said to be a constitutional remedy both palliative and tonic in effect. It is particularly remarkable because of its ability to exert its remedial effect in any climate \* \* \* produces a constant cumulative effect upon the system to which the disease should soon become responsive \* \* \* The action of Ascatco in asthma is prompt. In chronic catarrh \* \* \* is usually efficient \* \* \* Ascatco combats bronchitis up to and including the acute and chronic form, but if the disease has extended to the lungs and presents the form of tuberculosis nothing more than relief is promised. In hay fever Ascatco should afford prompt relief \* \* \* Asthma \* \* \* There is no disease of the respiratory organs in which Ascatco is so effective as in asthma. It is not easy to say how long a time is required for a cure. Ordinary cases have yielded after a few weeks treatment, more obstinate cases requiring longer time. Any asthmatic person may take Ascatco in absolute confidence whatever the form of the asthma may be \* \* \* Hay fever \* \* \* Ascatco's effective work in hay fever must be deemed most remarkable. \* \* \* In order to prevent its appearance persons are urged to begin taking Ascatco six weeks in advance of the period of expected attack. The remedy though is very effectual even after the attack of hay fever has come on \* \* \* It must be understood that in order to be thoroughly effective those taking it must continue its use until frost. Catarrh \* \* \* Bronchitis. Bronchitis may be acute or chronic and consists of an inflammation of the bronchial tubes. In either form it can be reached by Ascatco. It is

confessed, however, that advanced and persistent bronchitis is not so responsive as asthma, catarrh or hay fever. The disease is more deeply seated and therefore harder to eradicate \* \* \* As has been stated Ascatco will reach Bronchitis in the acute form but it does not hold out promise of speedy results in the chronic form when the subject is aged. \* \* \* Influenza or the Grip \* \* \* In the bronchial symptoms of the grip we can recommend Ascatco highly as we do in asthma or bronchitis \* \* \* Coughs and Colds are readily relieved in a few days by a seven-drop dose of Ascatco taken after each meal \* \* \* The use of Ascatco for the prevention and treatment of hay fever \* \* \* Remarkable for its success in combating asthma, catarrh, and bronchitis. It was first used for hay fever in the Summer of 1904 with the most satisfactory results \* \* \* Ascatco is a constitutional or systemic remedy \* \* \* The theory under which it operates as a preventive in hay fever may be stated as a gradual fortification of the system to withstand the disease when the latter is due to make its appearance. \* \* \* Immunity from hay fever through the use of Ascatco \* \* \* One great advantage possessed by Ascatco is its ability to exert its remedial effect in any climate \* \* \* In preventing Hay Fever. For the purpose of preventing attack of hay fever \* \* \* patients should begin taking Ascatco about six weeks in advance of the time of expected attack \* \* \* Taking Ascatco this early the patient should become immune and the disease is prevented. Curable at all stages \* \* \* The disease is curable at all stages of its progress. Ascatco is most effective in minimizing the suffering, and very frequently effects radical results \* \* \* It is most important that the patient shall continue taking Ascatco throughout the period of former duration of the disease \* \* \* Upon the slightest suggestion of the presence of the disease increase the dose immediately to fifteen drops and if this does not drive away the symptoms in a day or two increase the dose to twenty drops and hold to this until the fever abates \* \* \* My wife has been entirely cured of hay fever by Ascatco. \* \* \* Your cure \* \* \* entirely freed from hay fever \* \* \* Hay fever \* \* \* after taking the first two doses I have been free from this malady entirely \* \* \* Hay Fever \* \* \* Ascatco has cured me of that disease \* \* \* Ascatco \* \* \* cured a most stubborn case of catarrh and hay fever. \* \* \* Cured of Hay Fever \* \* \* It has cured my husband entirely of hay fever. \* \* \* Ascatco Treatment for Hay Fever \* \* \* Its curative properties \* \* \* wonderful remedy Ascatco \* \* \* After using several bottles I found that I was cured \* \* \* Ascatco a Wonderful Remedy \* \* \* Says Ascatco stopped Asthma spells \* \* \* After taking a course of Ascatco I have not had a spell of asthma \* \* \* Wonderfully cured of hay fever by Ascatco last summer."

Misbranding of the article was alleged in the libel for the reason that it contained no ingredients or combination of ingredients capable of producing the therapeutic effects claimed by the statements hereinbefore set out appearing upon the bottles, labels, wrappers, and circulars aforesaid, and said statements were false, misleading, and fraudulent.

On April 18, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the article should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*